

EXHIBIT

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1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 1:16-cv-08879-VSB

4 -----x
5 TINA MICHELLE BRAUNSTEIN,

6 Plaintiff,

7 - against -

8 SAHARA PLAZA, LLC, and THE PLAZA HOTEL,
9 a FAIRMONT MANAGED HOTEL,

10 Defendants.
11 -----x

12 101 Park Avenue
13 New York, New York
14 September 28, 2017
15 11:04 a.m.

16 DEPOSITION of EVAN HUNT, a Non-Party
17 Witness in the above-entitled action, held
18 at the aforementioned time and place, taken
19 before Ashley Shugar, a Shorthand Reporter
20 and Notary Public of the State of New York,
21 pursuant to the Federal Rules of Civil
22 Procedure, Notice and stipulations between
23 Counsel.

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<p style="text-align: right;">Page 2</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 RAISER & KENNIFF, PC</p> <p>5 Attorneys for Plaintiff</p> <p>6 300 Old Country Road, Suite 351</p> <p>7 Mineola, New York 11501</p> <p>8 BY: E. GORDON HAESLOOP, ESQ.</p> <p>9 gordon@raiserkenniff.com</p> <p>10</p> <p>11</p> <p>12 SILLS CUMMINS & GROSS PC</p> <p>13 Attorneys for Defendants</p> <p>14 SAHARA PLAZA, LLC, and THE PLAZA HOTEL,</p> <p>15 a FAIRMONT MANAGED HOTEL</p> <p>16 101 Park Avenue, 28th Floor</p> <p>17 New York, New York 10178</p> <p>18 BY: A. SONU RAY, ESQ.</p> <p>19 sray@sillscummis.com</p> <p>20</p> <p>21</p> <p>22 * * *</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 E. HUNT</p> <p>2 EVAN HUNT, the Witness herein,</p> <p>3 having first been duly sworn by the Notary</p> <p>4 Public, was examined and testified as</p> <p>5 follows:</p> <p>6 EXAMINATION BY</p> <p>7 MR. HAESLOOP:</p> <p>8 Q. Okay. Could I have your full</p> <p>9 name and home address, please?</p> <p>10 A. Oh, boy. Okay. So the full</p> <p>11 name is easy. Evan Douglas Hunt.</p> <p>12 The home address just changed.</p> <p>13 It's 113 West Pierson, Phoenix, Arizona</p> <p>14 85013.</p> <p>15 Q. How long have you been there?</p> <p>16 A. Two weeks.</p> <p>17 Q. Well, congratulations on your</p> <p>18 move.</p> <p>19 A. Thank you.</p> <p>20 Q. And by whom are you employed at</p> <p>21 this time?</p> <p>22 A. I'm still employed by Fairmont.</p> <p>23 Q. Okay. And there is an entity</p> <p>24 named Sahara that's under the Fairmont</p> <p>25 label?</p>
<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 STIPULATIONS</p> <p>3</p> <p>4 IT IS HEREBY STIPULATED AND AGREED,</p> <p>5 by and among counsel for the respective</p> <p>6 parties hereto, that the filing, sealing</p> <p>7 and certification of the within deposition</p> <p>8 shall be and the same are hereby waived;</p> <p>9 IT IS FURTHER STIPULATED AND AGREED</p> <p>10 that all objections, except as to form of</p> <p>11 the question, shall be reserved to the time</p> <p>12 of the trial;</p> <p>13 IT IS FURTHER STIPULATED AND AGREED</p> <p>14 that the within deposition may be signed</p> <p>15 before any Notary Public with the same</p> <p>16 force and effect as if signed and sworn to</p> <p>17 before the Court.</p> <p>18</p> <p>19 * * *</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 E. HUNT</p> <p>2 A. Sahara is the owner of The</p> <p>3 Plaza.</p> <p>4 Q. Right.</p> <p>5 A. Yeah.</p> <p>6 Q. And what is their relationship</p> <p>7 to Fairmont?</p> <p>8 A. It --</p> <p>9 They own a stake of -- of --</p> <p>10 Well, so I guess The Plaza is</p> <p>11 the asset -- the building is the asset. So</p> <p>12 Sahara is an owner of -- of The Plaza.</p> <p>13 Although, I thought that that was -- I'm</p> <p>14 not an expert on this, but I think that</p> <p>15 their share of the mortgage was recently</p> <p>16 sold.</p> <p>17 Q. I believe that's true.</p> <p>18 A. Yeah.</p> <p>19 Q. And is Sah- --</p> <p>20 Was Sahara originally the</p> <p>21 manager of the property?</p> <p>22 A. No. Sahara is not a manager.</p> <p>23 Q. Okay.</p> <p>24 A. Yeah.</p> <p>25 Q. Who was the manager of the</p>

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<p style="text-align: right;">Page 34</p> <p>1 E. HUNT</p> <p>2 followed as the assistant director of HR?</p> <p>3 And take your time, please.</p> <p>4 A. (Document review.)</p> <p>5 It is.</p> <p>6 Q. Okay. That was the procedure</p> <p>7 that was in effect at the time you were the</p> <p>8 assistant director?</p> <p>9 A. Uh-huh.</p> <p>10 Q. And in the case of the</p> <p>11 bartenders at the Palm Court, were those</p> <p>12 procedures followed?</p> <p>13 A. Could you be more specific?</p> <p>14 You --</p> <p>15 Bartenders?</p> <p>16 Q. Yeah. There were four</p> <p>17 bartenders at the Palm Court. Tina</p> <p>18 Braunstein was one.</p> <p>19 A. Uh-huh.</p> <p>20 Q. And there were three male</p> <p>21 bartenders.</p> <p>22 A. Uh-huh.</p> <p>23 Q. And you, I believe, received</p> <p>24 complaints from the bartenders about each</p> <p>25 other's conduct or behavior?</p>	<p style="text-align: right;">Page 36</p> <p>1 E. HUNT</p> <p>2 referring to have been produced. We</p> <p>3 went over Defendant's production to</p> <p>4 Plaintiff.</p> <p>5 MR. HAESLOOP: Okay.</p> <p>6 MS. RAY: So all of those</p> <p>7 documents referred to have been</p> <p>8 produced already.</p> <p>9 MR. HAESLOOP: Uh-huh. Okay.</p> <p>10 I just don't recall seeing those</p> <p>11 handwritten notes because I didn't</p> <p>12 have them.</p> <p>13 MS. RAY: They are in</p> <p>14 Defendant's production. There are</p> <p>15 handwritten notes as well as typed-up</p> <p>16 notes.</p> <p>17 MR. HAESLOOP: Okay. Do you --</p> <p>18 You wouldn't happen to know</p> <p>19 their Bates stamps off --</p> <p>20 MS. RAY: No.</p> <p>21 BY MR. HAESLOOP:</p> <p>22 Q. All right. Let me have that</p> <p>23 back.</p> <p>24 A. (Complies.)</p> <p>25 Q. As you sit here today, do you</p>
<p style="text-align: right;">Page 35</p> <p>1 E. HUNT</p> <p>2 A. Uh-huh.</p> <p>3 Q. Is that correct?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. Do you --</p> <p>6 Did you review those complaints</p> <p>7 by either e-mail or other written form</p> <p>8 before you came here today?</p> <p>9 A. Some, yes.</p> <p>10 Q. Okay. Do you recall making any</p> <p>11 notes with respect to Tina Braunstein's</p> <p>12 complaints?</p> <p>13 A. Yes, a few.</p> <p>14 Q. Okay. And you don't have those</p> <p>15 handwritten notes?</p> <p>16 A. We actually went over some of</p> <p>17 them yesterday.</p> <p>18 Q. The notes?</p> <p>19 A. Yeah.</p> <p>20 Q. Okay.</p> <p>21 A. You have them in the exhibits.</p> <p>22 MR. HAESLOOP: I would call for</p> <p>23 the production of his handwritten</p> <p>24 notes as the --</p> <p>25 MS. RAY: The notes he's</p>	<p style="text-align: right;">Page 37</p> <p>1 E. HUNT</p> <p>2 recall the nature of Tina Braunstein's</p> <p>3 complaints to the HR department?</p> <p>4 A. Some of them, yeah.</p> <p>5 Q. Well, what do you recall?</p> <p>6 A. I remember there was a</p> <p>7 complaint about a Taylor; there was a</p> <p>8 complaint about another colleague, Edmund</p> <p>9 McSloy; there was a complaint about her</p> <p>10 manager, Amin.</p> <p>11 Those are the only ones I can</p> <p>12 remember specifically.</p> <p>13 Q. All right. And were each of</p> <p>14 those complaints reduced to writing?</p> <p>15 A. She sent e-mails about each</p> <p>16 one, so they were in writing.</p> <p>17 Q. Okay. Do you recall</p> <p>18 interviewing her personally prior to her</p> <p>19 termination regarding any of those</p> <p>20 complaints?</p> <p>21 A. I interviewed her personally</p> <p>22 about the one about Amin, and I sat in on</p> <p>23 the interview for her with Edmund, but I</p> <p>24 did not interview -- I wasn't the</p> <p>25 interviewer; I was the witness.</p>

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<p style="text-align: right;">Page 38</p> <p>1 E. HUNT</p> <p>2 Q. Who was the interviewer?</p> <p>3 A. Kristin Stabile.</p> <p>4 Q. And who is she?</p> <p>5 A. She was the interim director of</p> <p>6 HR.</p> <p>7 Q. Okay. Did you make notes of</p> <p>8 that meeting?</p> <p>9 A. I did not.</p> <p>10 Q. Do you know if Kristin Stabile</p> <p>11 made notes of that meeting?</p> <p>12 A. She did.</p> <p>13 Q. Do you remember the nature of</p> <p>14 the allegation?</p> <p>15 A. Yes.</p> <p>16 Q. What was it?</p> <p>17 A. She was complaining that</p> <p>18 Edmund --</p> <p>19 Q. That's Edmund McSloy?</p> <p>20 A. Edmund McSloy.</p> <p>21 Q. He was the day bartender?</p> <p>22 A. He was the day bartender,</p> <p>23 correct.</p> <p>24 -- yelled at her and was very</p> <p>25 aggressive in his communication with her.</p>	<p style="text-align: right;">Page 40</p> <p>1 E. HUNT</p> <p>2 investigation, it turned out that Tina was</p> <p>3 actually bullying Edmund beforehand.</p> <p>4 Q. And how was that determined?</p> <p>5 A. Based off of the witness</p> <p>6 statements of the comments that Tina made</p> <p>7 to Edmund before the interaction happened.</p> <p>8 Q. And did Tina tell you the</p> <p>9 comments that she made or did McSloy tell</p> <p>10 you what she said first?</p> <p>11 A. Actually, it was the witness,</p> <p>12 Eddie Marini, that told us.</p> <p>13 Q. And who is Eddie Marini?</p> <p>14 A. He's another p.m. bartender.</p> <p>15 Q. Do you know the names of the</p> <p>16 three p.m. male bartenders other than --</p> <p>17 Well, two others besides Eddie</p> <p>18 Marini?</p> <p>19 A. Yeah, James Menite.</p> <p>20 Q. Yes?</p> <p>21 A. And then I -- Roberto, I can't</p> <p>22 remember his last name.</p> <p>23 Q. Rosa.</p> <p>24 A. Rosa? Okay.</p> <p>25 Q. Do you recall at any time while</p>
<p style="text-align: right;">Page 39</p> <p>1 E. HUNT</p> <p>2 Q. And was Edmund at that meeting?</p> <p>3 A. Was Edmund at the meeting --</p> <p>4 Q. The meeting where Tina was</p> <p>5 interviewed regarding that complaint</p> <p>6 against Edmund?</p> <p>7 A. I don't remember.</p> <p>8 Q. Okay. But that was a meeting</p> <p>9 that Kristin Stabile and yourself attended?</p> <p>10 A. There --</p> <p>11 Yes.</p> <p>12 Q. And were there others present?</p> <p>13 A. I can't remember.</p> <p>14 Q. Was Tina present?</p> <p>15 A. Tina was present.</p> <p>16 Q. Okay. And do you recall what</p> <p>17 action was taken in response to her</p> <p>18 complaint?</p> <p>19 A. It was investigated. I</p> <p>20 remember Kristin went through and</p> <p>21 interviewed all the witnesses to the event</p> <p>22 and, ultimately, no discipline was handed</p> <p>23 down to either colleague.</p> <p>24 Q. Meaning McSloy?</p> <p>25 A. McSloy or Tina. Because in the</p>	<p style="text-align: right;">Page 41</p> <p>1 E. HUNT</p> <p>2 you were serving in the position we're</p> <p>3 talking about --</p> <p>4 A. Uh-huh.</p> <p>5 Q. -- receiving any complaint</p> <p>6 about James Menite drinking while on duty</p> <p>7 at the bar or being intoxicated while</p> <p>8 performing his duties?</p> <p>9 A. When Tina was terminated, she</p> <p>10 brought it up.</p> <p>11 Q. How about prior to that?</p> <p>12 A. I don't remember receiving</p> <p>13 anything prior to that.</p> <p>14 Q. When she brought that up at the</p> <p>15 time of her termination, did you take any</p> <p>16 action to investigate that?</p> <p>17 A. Yes. I didn't personally.</p> <p>18 Martin Mariano looked into it, I believe.</p> <p>19 Q. And do you know what the --</p> <p>20 what he reported back to you as?</p> <p>21 A. Yeah, I mean, there was no</p> <p>22 conclusive proof that he had been drinking.</p> <p>23 Q. Well, do you know how that was</p> <p>24 determined?</p> <p>25 A. I believe he looked at</p>

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<p style="text-align: right;">Page 46</p> <p>1 E. HUNT</p> <p>2 MS. RAY: Excuse me.</p> <p>3 Could you just say "yes"</p> <p>4 instead of --</p> <p>5 THE WITNESS: Oh.</p> <p>6 MS. RAY: -- "uh-huh."</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MR. HAESLOOP:</p> <p>9 Q. Have you ever been deposed</p> <p>10 before?</p> <p>11 A. Never.</p> <p>12 Q. Do you have plans to be deposed</p> <p>13 in the near future?</p> <p>14 A. Hopefully not.</p> <p>15 Q. All right. And it reads, "I'm</p> <p>16 writing again to inform you that the</p> <p>17 continued harassment by Mrs. Braunstein is</p> <p>18 only getting worse. The situation needs to</p> <p>19 be resolved as soon as possible for it is</p> <p>20 no longer just causing me stress and</p> <p>21 anxiety. Last night it started affecting</p> <p>22 my ability to perform my job."</p> <p>23 Prior to this e-mail or</p> <p>24 statement by Mr. Rosa, had you had any</p> <p>25 similar complaints about Tina Braunstein?</p>	<p style="text-align: right;">Page 48</p> <p>1 E. HUNT</p> <p>2 Q. Would those reports have been</p> <p>3 handwritten, typed or e-mailed, if you</p> <p>4 know?</p> <p>5 A. Marty would normally type them</p> <p>6 and e-mail them.</p> <p>7 Q. And it says, "Please schedule a</p> <p>8 meeting for Roberto, myself and Evan for</p> <p>9 Monday. In the meantime, I think we need</p> <p>10 to bring these two together for a</p> <p>11 discussion about acceptable behavior. I'm</p> <p>12 going to reach out to Roberto."</p> <p>13 And do you know if that meeting</p> <p>14 that he's referring to ever took place?</p> <p>15 A. I believe it did, yes.</p> <p>16 Q. And do you remember who was at</p> <p>17 that meeting?</p> <p>18 A. I was there; Marty was there;</p> <p>19 Roberto was there. I can't remember if</p> <p>20 anyone else.</p> <p>21 Q. Was Tina Braunstein there?</p> <p>22 A. No.</p> <p>23 Q. But the intent of Martin's</p> <p>24 e-mail is to have everyone there to have a</p> <p>25 meeting for a discussion about acceptable</p>
<p style="text-align: right;">Page 47</p> <p>1 E. HUNT</p> <p>2 A. Of harassment?</p> <p>3 Q. Yes.</p> <p>4 A. We had had similar bullying</p> <p>5 complaints by, I believe, some of the</p> <p>6 cocktail servers.</p> <p>7 Q. Do you remember which ones?</p> <p>8 A. I can't remember their names</p> <p>9 offhand.</p> <p>10 Q. Do you remember Paige?</p> <p>11 A. That sounds familiar, yes.</p> <p>12 Q. Do you know if those complaints</p> <p>13 were ever reduced to writing?</p> <p>14 A. I can't remember.</p> <p>15 Q. Now, this e-mail that's</p> <p>16 identified as Number 17 says -- and this is</p> <p>17 February 21st at 11:08 and the other one</p> <p>18 that I just read is February 21st at</p> <p>19 8:19 a.m.</p> <p>20 And it says, "I've sent even</p> <p>21 reports on our meetings."</p> <p>22 Do you know which reports he's</p> <p>23 referring to? This is Martin Mariano.</p> <p>24 A. I can't remember specifically,</p> <p>25 no.</p>	<p style="text-align: right;">Page 49</p> <p>1 E. HUNT</p> <p>2 behavior.</p> <p>3 Was there a reason that Tina</p> <p>4 wasn't included in that meeting?</p> <p>5 A. I mean, generally, if we were</p> <p>6 meeting with a person for bullying, you</p> <p>7 would meet with the person to discuss it</p> <p>8 first and then discuss whether, you know --</p> <p>9 then at that point you would take a look on</p> <p>10 whether you would have the person that was</p> <p>11 responsible for the alleged bullying there.</p> <p>12 Q. Okay. And prior to</p> <p>13 February 21st, 2015, you had received</p> <p>14 complaints from Ms. Braunstein about</p> <p>15 harassment allegations, had you not?</p> <p>16 A. Yes.</p> <p>17 Wait. What was the date you</p> <p>18 said?</p> <p>19 Q. February 21st, 2015.</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And did you ever after</p> <p>22 the -- after February 21st, 2015, have a</p> <p>23 meeting with Tina Braunstein to discuss</p> <p>24 these allegations?</p> <p>25 A. I can't remember.</p>

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